

## **REMARKS**

### **STATUS OF THIS APPLICATION**

Claims 1-17 are pending. In the Office Action mailed on August 31, 2004, claims 1-2, 4-8, and 10-17 were rejected as being directed to subject matter deemed to be obvious in view of Nelson et al. Patent 6,243,713 (hereinafter "Nelson"). Claims 3 and 9 were rejected as being obvious over Nelson considered with Mohan et al. Patent 6,748,382 (hereinafter "Mohan").

This amendment amends claims 4-7 to correct improper antecedents and to more clearly define applicants' invention. This response requests reconsideration of the foregoing rejections for the reasons presented below:

### **THE REJECTION FOR OBVIOUSNESS IN VIEW OF NELSON**

Applicants' invention permits Web pages which incorporate media data to be indexed and searched by conventional text-based Internet indexing and searching facilities. Each Web page is processed to identify media data that is incorporated by reference into that Web page; the identified media data is then analyzed to generate metadata describing its content, and the generated metadata is formatted into a character-based text annotation which is inserted into the original Web page to form an annotated Web page. The resulting annotated Web pages can then be indexed and searched by conventional text based search engines.

Nelson describes a system which indexes multimedia documents by separating their multimedia components and processing each component into a number of tokens. The tokens are stored in an index along with information identifying the documents that contain the token. The multimedia documents which are indexed by the Nelson system include HTML Web pages which are analyzed to identify media data referenced within the Web page, and character-based tokens (metadata) are generated to describe the media content. For example, audio media data may be analyzed using speech recognition to generate text tokens.

As the Examiner has conceded, however, Nelson does not teach combining the Web page with the generated annotation to form an enhanced Web page. The Examiner states, however, that it would have been "obvious and desirable" to modify Nelson so that the extracted tokens are inserted into text of the multimedia document so that the text did not have to be processed, thus allowing the extraction software to be simpler.

It is submitted that it would not have been obvious to modify Nelson as suggested by the Examiner for a number of reasons:

(1). The suggested modification would not allow the extraction software to be simpler as suggested by the Examiner. The step of extracting descriptive character based tokens (e.g. the speech recognition step for audio media data) would need to be performed either way, and placing the tokens into the original document would not eliminate or simplify the token extraction software;

(2) In Nelson's system, the tokens need to be placed into the index to permit retrieval, but there is no need in Nelson's system to also place the tokens in the original Web page, and to do so would require that the Web page be rewritten and the resulting annotated Web page would consume more space, without serving any useful purpose.

(3) Applicants' invention permits Web pages to be indexed and searched by existing automated search engines ("Web crawlers" or "spiders") such as Google, Yahoo, etc., whereas Nelson teaches the use of proprietary indexing and search scheme. Applicant's invention thus (a) completely eliminates the need to design and deploy a new indexing and search system and (b) makes the Web pages that are automatically annotated using applicants' invention searchable at by using existing popular Web search facilities.

It is submitted that there is nothing in the disclosure of Nelson that suggests applicants' invention as claimed, and one of ordinary skill in the art would have no reason (absent applicants' disclosure) to modify the Nelson indexing and search system so that it annotated the original Web pages being indexed with metadata extracted from referenced media data.

With respect to dependent claim 6 which further recites obtaining additional data about referenced media data from the operating system that stores that media data (such as the date, size, directory name and filename of a media data file), the Examiner concedes that Nelson does not disclose acquiring that information but notes that it would have been "obvious and desirable" to take advantage of the operating system's resources in that way. Applicants' submit that Nelson nowhere suggests using additional data from operating system data to describe media data and the fact that it has been desirable to do so suggests the including that function was not obvious, at least to Nelson et al.

The Examiner's observations that it would have been "desirable" to modify the Nelson system so that it inserted annotations into the Web page, and so that it acquired additional

descriptive data from the operating system, is not based on anything found in the Nelson teaching. As stated at MPEP §2143.01:

"The prior art must suggest the desirability of the claimed invention. \* \* \* The level of skill in the art cannot be relied upon to provide the suggestion to combine references. *Al-Site Corp. v. VSI Int'l Inc.*, 174 F.3d 1308, 50 USPQ2d 1161 (Fed. Cir. 1999). \* \* \* Obviousness can only be established by combining or modifying the teachings of the prior art to produce the claimed invention where there is some teaching, suggestion, or motivation to do so found either explicitly or implicitly in the references themselves or in the knowledge generally available to one of ordinary skill in the art. "The test for an implicit showing is what the combined teachings, knowledge of one of ordinary skill in the art, and the nature of the problem to be solved as a whole would have suggested to those of ordinary skill in the art." *In re Kotzab*, 217 F.3d 1365, 1370, 55 USPQ2d 1313, 1317 (Fed. Cir.2000)."

With respect to dependent claim 4 and its dependent claims 5-7, applicants' have amended claim 4 to expressly state that the claimed invention acquires "additional data" to describe the media data from a source other than the content of the media data itself. Claim 5 states that this additional data is acquired from the markup tag, claim 6 states that it is acquired from the operating system, and claim 7 states that it is acquired from the Internet. In the Nelson system, the data which describes each media data component is obtained by analyzing the media data component itself. Thus, claims 4-7 as amended further distinguish over the Nelson system for this additional reason.

It is accordingly requested that claims 1-17 be allowed.

Respectfully submitted,



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Signature

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